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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 MARY BENSON, an individual,  
11 Plaintiff,

12 vs.

13 LAS VEGAS METROPOLITAN POLICE  
14 DEPARTMENT, in its official capacity; and,  
15 BRET EMPEY, in his official capacity as  
16 Sergeant of the Las Vegas Metropolitan  
17 Police Department;

18 Defendants.

19 Case. No.: 2:19-cv-01949-RFB-VCF

20 **STIPULATION AND ORDER TO**  
**EXTEND DISCOVERY**  
**DEADLINES**  
**(FOURTH REQUEST)**  
**[ECF No. 33]**

21 Pursuant to Fed. R. Civ. P. 16(b)(4) and Local Rule 26-4, Plaintiff MARY  
22 BENSON and Defendants LAS VEGAS METROPOLITAN POLICE DEPARTMENT and  
23 BRET EMPEY (“LVMPD Defendants”), by their respective counsel, hereby submit this  
24 *Stipulation and Order to Extend Discovery Deadlines (Fourth Request)* to request the Court  
25 to continue the pretrial and trial dates by sixty-two (62) days.

26 **I. DISCOVERY CUT-OFF DEADLINES**

27 A. The discovery cut-off date shall be rescheduled from April 30, 2021 to **July  
1, 2021**;

28 B. The deadline for the initial disclosure of experts and expert reports shall be  
29 rescheduled from March 31, 2021 to **April 30, 2021**;

30 C. The deadline for the disclosure of rebuttal experts and their reports shall be  
31 rescheduled from April 30, 2021 to **June 1, 2021**;

32 D. The deadline to file dispositive motions shall be rescheduled from May 31,  
33 2021 to **August 1, 2021**; and

1                   E.     The deadline to file the Joint Pretrial Order shall be rescheduled from June  
2 30, 2021 to **August 31, 2021**. If dispositive motions are filed, the deadline for filing the joint  
3 pretrial order will be suspended until thirty (30) days after decision on the dispositive motions  
4 or further court order.

5 **II.     REASON FOR THE REQUESTED EXTENSION**

6                   Pursuant to Local Rule 26-4, the Parties submit that good cause exists for the  
7 extension requested.

8                   **WHEREAS**, the Parties have been diligently conducting discovery. Since January  
9 2020, the Parties have propounded and responded to requests for written discovery; have  
10 produced documents relating to liability issues; and have been working to coordinate  
11 depositions.

12                   **WHEREAS**, additional time is needed for discovery due to the current State of  
13 Emergency resulting from the COVID-19 virus, including ongoing office closures and  
14 limitations on travel and personal contact, the Parties have been limited in their ability to  
15 conduct depositions.

16 **III.     STATUS OF DISCOVERY EFFORTS TO DATE**

17                   The following discovery has been completed to date:

18                   1.     LVMPD Defendants provided their Fed. R. Civ. P. 26.1 Production of  
19 Documents and Witness List on January 6, 2020;

20                   2.     Plaintiff Mary Benson provided her Fed. R. Civ. P. 26.1 Production of  
21 Documents and Witness List on January 7, 2020;

22                   3.     LVMPD Defendants propounded their First Set of Requests for Production  
23 of Documents to Plaintiff Mary Benson on January 17, 2020;

24                   4.     Plaintiff Mary Benson responded to LVMPD Defendants' First Set of  
25 Requests for Production of Documents on March 10, 2020;

26                   5.     Plaintiff provided her First Supplement to her Fed. R. Civ. P. 26.1  
27 Production of Documents and Witness List on March 10, 2020;

28                   6.     Plaintiff Mary Benson propounded her First Set of Requests for Production

1 of Documents to Defendant Sgt. Bret Empey on March 13, 2020;

2 7. Plaintiff Mary Benson propounded her First Set of Requests for Production  
3 of Documents to Defendant Las Vegas Metropolitan Police Department on March 13, 2020.

4 8. LVMPD Defendants provided their First Supplement to their Fed. R. Civ.  
5 P. 26.1 Production of Documents and Witness List on May 11, 2020;

6 9. Defendant Sgt. Bret Empey responded to Plaintiff Mary Benson's First Set  
7 of Requests for Production of Documents on May 11, 2020;

8 10. Defendant Las Vegas Metropolitan Police Department responded to  
9 Plaintiff Mary Benson's First Set of Requests for Production of Documents on May 11, 2020;  
10 and

11 11. Plaintiff provided her Second Supplement to her Fed. R. Civ. P. 26.1  
12 Production of Documents and Witness List on February 23, 2021.

13 **IV. DISCOVERY REMAINING**

14 The Parties agree that the following discovery must be completed:

15 1. The deposition of Plaintiff;  
16 2. The depositions of Defendants;  
17 3. The depositions of witnesses;  
18 4. The deposition(s) of the Defendants' Person(s) Most Knowledgeable;  
19 5. The deposition(s) of expert witness(es) designated by all Parties;  
20 6. Additional written discovery; and  
21 7. Additional records collection.

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1 **V. CONCLUSION**

2 Based on the above, requisite good cause exists to warrant an extension of the  
3 Scheduling Order (ECF No. 31) deadlines. Accordingly, the Parties respectfully request that  
4 this Court extend the current deadlines by ~~thirty (30)~~ <sup>sixty-two (62)</sup> days in order to allow all Parties to  
5 adequately complete discovery and to resolve present scheduling conflicts.

6 **IT IS SO STIPULATED.**

7  
8 DATED this the 10<sup>th</sup> day of March, 2021.

DATED this the 10<sup>th</sup> day of March, 2021.

9 **MARQUIS AURBACH COFFING**

**MCLETCHE LAW**

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18 Attorneys for Mary Benson

**ORDER**

19 IT IS SO ORDERED.

20 DATED this 11th day of March, 2021.  


21 U.S. MAGISTRATE JUDGE